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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 BILLY CEPERO,

16 Plaintiff,

Case No.: 2:11-cv-01421-JAD-GWF

17 vs.

18 LAS VEGAS METROPOLITAN POLICE
19 DEPARTMENT, ET AL.,

20 Defendant.

21 **STIPULATION AND ORDER TO EXTEND DISCOVERY (SECOND REQUEST)**

22 Pursuant to LR 6-1 and LR 26-4, Plaintiff Billy Cepero, ("Plaintiff"), by and through his
23 counsel of record, Lauren D. Calvert, Esq. of the law firm of Messner Reeves LLP and
24 Defendants ("Defendants"), by and through their attorney of record, Tye S. Hanseen, Esq. of
25 Marquis Aurbach Coffing, hereby stipulate and request that this court extend discovery in the
26 above-captioned case ninety (90) days, up to and including July 16, 2019. In addition, the parties
27 request that the expert deadline, dispositive motion deadline and pre-trial order deadline be
28 extended for an additional ninety (90) days as outlined herein. In support of this stipulation and
request, the parties state as follows:

29 **I. DISCOVERY COMPLETED TO DATE**

- 30 1. Cepero served written discovery on the Defendants.
- 31 2. Defendants served written discovery on Cepero.
- 32 3. The Defendants have obtained leave to take Cepero's deposition.

4. Cepero has taken the deposition of several Defendants.

5. The parties are working together to schedule depositions.

II. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

This case was filed in 2011 by Cepero as a pro se inmate. The case was originally dismissed at the District Court level on statute of limitations grounds. Plaintiff appealed to the Ninth Circuit, which reversed the District Court and remanded the case for further proceedings. Cepero named more than 20 defendants. Many of the defendants are now retired and/or not residing in Clark County. As the case is now moving forward in this Court, counsel for the Defendants has been working on making contact with each of the Defendants. Also, Cepero is still incarcerated at Nevada Ely State Prison and was appointed pro bono counsel only earlier this year. This further complicates the discovery process and related communications between counsel and the parties. Lastly, Cepero's motion for leave to file an amended complaint was granted in the fall of 2018, but service of the amended complaint for several Defendants is still pending. Cepero desires to take the depositions of those Defendants to be served.

III. DISCOVERY REMAINING

1. Depositions of the parties.
2. Depositions of any percipient witnesses.
3. Written discovery.
4. Acquisition of medical records.
5. Possible expert disclosures.
6. Possible expert depositions.
7. Any other discovery the parties deem necessary as the case progresses.

IV. EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND SCHEDULING ORDER

LR 26-4 governs modifications of extensions of the Discovery Plan and Scheduling Order. Any stipulation or motion must be made no later than twenty-one (21) days before the expiration of the subject deadline and comply fully with LR 26-4.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines.

| ACTIVITY | DATE | PROPOSED DEADLINE |
|--|-------------------|---------------------------|
| Amend Pleadings or Add Parties | July 30, 2018 | Passed |
| Expert Disclosures Pursuant to Fed.R.Civ.P. 26(a)(2) | January 17, 2019 | April 17, 2019 |
| Rebuttal Expert Disclosure Pursuant to Fed.R.Civ.P. 26(a)(2) | February 15, 2019 | May 16, 2019 |
| Discovery Cut-Off Date | April 17, 2019 | July 16, 2019 |
| Dispositive Motions | May 17, 2019 | August 15, 2019 |
| Joint Pretrial Order | June 17, 2019 | September 16, 2019 |

If dispositive motions are filed, the deadline for filing the Joint Pre-Trial Order will be suspended until thirty (30) days after the decision on the dispositive motions or further court order.

This request for an extension of time is not sought for any improper purpose or other purpose of delay. The parties have worked together at moving discovery forward and have worked to get this case moving forward, but the fact of this being a 2011 case, there being more than 20 defendants, the case being dismissed and then remanded, the time for appointment of pro bono counsel, and Plaintiff being an inmate has made things more difficult and caused delays not necessarily present in some other cases.

This is the first request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the discovery extension.

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1 WHEREFORE, the parties respectfully request that this court extend the discovery period
2 by ninety (90) days, from the current deadline of April 17, 2019 to and including July 16, 2019,
3 and the other discovery dates as outlined in accordance with the table above.

4 APPROVED AS TO FORM AND CONTENT.

5 Dated this 7th day of January, 2019.

Dated this 7th day of January, 2019.

6 MARQUIS AURBACH COFFING

MESSNER REEVES LLP

7
8 By: /s/ Tye S. Hanseen
9 Craig R. Anderson, Esq.
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11 Tye S. Hanseen, Esq.
12 Nevada Bar No. 10365
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By: /s/ Lauren D. Calvert
Lauren D. Calvert, Esq.
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Attorney for Plaintiff

13 **ORDER**

14 IT IS SO ORDERED this 8th day of January, 2019.

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17 UNITED STATES MAGISTRATE JUDGE